

whereas it did not differ materially from ordinary honey. It was alleged to be misbranded further in that certain statements in the labeling were false and misleading since they represented that it possessed efficacy as a dietary supplement in the treatment of sinus, coughs, asthma, hay fever, constipation, stomach ulcers, digestive ailments; that it possessed efficacy as a general tonic and body builder and had produced effective results in the treatment of such ailments; that it possessed natural healing properties; that it was of great value to both children and adults who are anemic, have poor appetite and other symptoms of rundown condition; that it would alkalize, vitalize, and upbuild the body; that it would aid in preventing respiratory ailments and would build resistance; that it was efficacious to produce improvement in general health of children; that it was efficacious in relieving the attacks of asthma, coughs, and bronchitis; would help remove mucus and was a boon to raw and inflamed respiratory tracts; that it was efficacious in relieving pain, reducing inflammation and healing the ulcerous surfaces in ulcers of the stomach; that it was efficacious in bowel and colon trouble by helping to change the intestinal flora, and that its lubricating effect would aid in relieving pain and discomfort and assist nature to overcome the ailment; that it was an accessory of great value in many disease conditions; that it was beneficial for asthma and kindred disorders; that it contained a pollen which would counteract the pollen which causes hay fever; that it was highly beneficial for stomach disorders such as ulcers, and for combating constipation; that it was efficacious for various pathogenic conditions of the body; that its healing properties were without equal; that it was efficacious to relieve bronchial asthma and sinus condition and to prevent choking sensation of asthma and to induce restful sleep; that it was efficacious to heal ulcerated stomach; that it was efficacious as a tonic and body builder and would induce increase in weight; that it was efficacious in the treatment of rundown conditions; highly mucous condition of the throat and chest, and enlarged tonsils; that it would promote sound restful sleep and build health, and that it had accomplished wonderful results in the aforesaid conditions; whereas it would not be efficacious for such purposes.

On July 18, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

484. Misbranding of Diabet Tea. U. S. v. Paul Constantini, Angelo Constantini, and Anselmo Constantini (Diabet Tea Co.). Case tried to a jury. Verdict of guilty. Fines, \$150. Defendants all placed on probation for three years. (F. D. C. No. 2969. Sample No. 34721-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of diabetes.

On May 16, 1941, the United States attorney for the Middle District of Pennsylvania filed an information against Paul Constantini, Angelo Constantini, and Anselmo Constantini, copartners trading as Diabet Tea Co. at Scranton, Pa., alleging shipment by said defendants on or about September 9, 1940, from the State of Pennsylvania into the State of New York of a quantity of Diabet Tea that was misbranded.

Analysis of a sample of the article showed that it consisted of the ground herb *Hypericum perforatum*, commonly known as St. Johnswort.

The article was alleged to be misbranded in that the statements on the label, "Nature's Food Diabet-Tea for Diabetes. The contents of this package has been carefully prepared for the use of those who suffer from diabetes," were false and misleading since they represented that it was for the cure, mitigation, treatment, or prevention of diabetes; whereas it was worthless for such purposes.

On November 5, 1941, the case was tried before a jury, which returned a verdict of guilty, and the defendants were each fined \$50. Imposition of jail sentences was suspended and the defendants were placed on probation for 3 years.

485. Misbranding of Kurex Diabetic Tonic. U. S. v. Kurex Hillgrove Laboratories, Inc., Richard F. Hillgrove, and Walter P. Weihe. Pleas of nolo contendere. Corporation fined \$250. Richard F. Hillgrove and Walter P. Weihe fined \$250 but payment ordered suspended. (F. D. C. No. 2935. Sample No. 27071-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter and failed to declare the common or usual name of each active ingredient.

On March 19, 1941, the United States attorney for the Southern District of Ohio filed an information against the Kurex Hillgrove Laboratories, Inc., Cincinnati,

Ohio, Richard F. Hillgrove, and Walter P. Weihe, alleging shipment on or about September 26, 1940, from the State of Ohio into the State of West Virginia of a quantity of Kurex Diabetic Tonic which was misbranded.

Analysis showed that the article consisted chiefly of water, alcohol, reducing sugars, and plant extractives including emodin-bearing drugs and a trace of unidentified alkaloids.

The article was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient, including the kind, quantity, and proportion of alcohol. It was alleged to be misbranded further in that representations in the labeling that it would be efficacious in the treatment of diabetes; would enable the diabetic patient to eliminate the taking of insulin; was efficacious in the treatment of blindness caused by diabetes; would heal feet which were open as the result of diabetes; would heal legs which were ulcerated as the result of diabetes; would be efficacious in the treatment of run-down conditions and other ailments contracted by poor living conditions; was a systemic tonic and would be efficacious in the treatment of many ailments common to bad blood and other conditions such as rheumatism and ailments caused by kidney disorders; and would restore lost appetite and improve the nervous condition and general health.

On May 26, 1941, pleas of nolo contendere were entered on behalf of all defendants. The court imposed a fine of \$250 against each of the defendants but ordered that payment of the fines of the individual defendants Richard F. Hillgrove and Walter P. Weihe be suspended.

486. Misbranding of Dickson's Herb-Lax Tonic. U. S. v. Addison H. Dickson (A. H. Dickson). Plea of guilty. Fine, \$100. (F. D. C. No. 2837. Sample No. 9583-E.)

This product was falsely labeled to imply that it was a laxative compound composed entirely of, and deriving its laxative properties solely from, herbs. Furthermore, it bore false and misleading representations regarding its efficacy as a tonic and in the treatment of certain diseases.

On October 8, 1940, the United States attorney for the Western District of Tennessee filed an information against Addison H. Dickson, trading as A. H. Dickson, at Memphis, Tenn., alleging shipment on or about May 3, 1940, from the State of Tennessee into the State of Louisiana, of a quantity of Dickson's Herb-Lax Tonic that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of Epsom salt (approximately 28 grams per 100 cc.), small proportions of methenamine, salicylic acid, sodium benzoate, plant extracts including nux vomica, and a resinous substance such as podophyllum, a trace of iron, and water flavored with peppermint oil.

This drug was alleged to be misbranded in that its name or designation "Herb-Lax Tonic," borne on the bottle label, was false and misleading since it represented that the drug was a laxative compound composed entirely of herbs and that it derived its laxative properties solely from herbs; whereas it was not a laxative compound composed entirely of herbs but did consist in part of Epsom salt, a mineral substance; and it did not derive its laxative properties solely from herbs but did derive its laxative properties in large part from Epsom salt. It was alleged to be misbranded further in that the following statements "Herb-Lax Tonic * * * Recommended for Indigestion * * * Biliousness, Nervousness, Bad Blood, Rheumatism, Urinary Troubles and General Rundown Conditions," borne on the bottle label, were false and misleading since it was not efficacious for such purposes.

On October 31, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$100.

487. Misbranding of Locao Belem. U. S. v. Belem Products Co. Plea of guilty. Fine, \$75. (F. D. C. No. 2968. Sample Nos. 32807-E, 32808-E.)

On September 11, 1941, the United States attorney for the Southern District of Texas filed an information against Belem Products Co., a corporation, Houston, Tex., alleging shipment on or about November 1, 1940, from the State of Texas into the State of California of a number of 3-ounce and 6-ounce bottles of Locao Belem that was misbranded.

Analysis of a sample of the article showed that it consisted chiefly of water, alcohol, a foam producer, a small amount of glycerin, and perfume materials.

The article was alleged to be misbranded in that statements in the labeling representing that it was efficacious in the treatment of baldness, falling hair,